

SENATE BILL 450

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 8; Title 12; Title 13; Title 33; Title 36; Title 39; Title 40; Title 45; Title 49; Title 54; Title 62; Title 63; Title 65; Title 67 and Title 68, relative to removing preferences that are based on demographic characteristics.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Equal Opportunity Act of 2013".

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 1, Part 4, is amended by adding the following as a new section:

4-1-4___. Unless required by the constitution of the state or of the United States, or by a federal law that preempts state law, race, ethnicity and gender shall not be considered as factors when determining the recipient of a state funded purchase order, contract or grant.

SECTION 3. Tennessee Code Annotated, Section 4-3-2305, is amended by deleting subsection (b) and subdivision (c)(1) and renumbering the remaining subsections and subdivisions accordingly.

SECTION 4. Tennessee Code Annotated, Section 4-20-107(5), is amended by deleting the language "assure equitable" and substituting the language "encourage".

SECTION 5. Tennessee Code Annotated, Section 4-29-236, is amended by deleting subdivision (a)(1) and renumbering the remaining subdivisions accordingly.

SECTION 6. Tennessee Code Annotated, Section 4-56-103(c)(4), is amended by deleting the language "a minority business, woman-owned business, service-disabled veteran owned business, or small business" wherever it appears in subdivision (4)(A) and substituting

the language "a service-disabled veteran owned business, or small business", and by deleting subdivisions (4)(B)(i), (ii) and (v) in their entirety and renumbering the remaining subdivisions accordingly.

SECTION 7. Tennessee Code Annotated, Section 7-59-305(c)(11), is amended by deleting the language ""agrees to comply" and substituting the language "agrees to strive to comply".

SECTION 8. Tennessee Code Annotated, Section 7-59-312, is amended by deleting the language "educational and governmental access channels, and § 7-59-313 concerning minority-owned business participation plans by a holder of a state-issued certificate of franchise authority" from subsection (a) and substituting instead the language "and educational and governmental access channels", and by deleting the language "or a violation of § 7-59-313" from subdivision (d)(1), and by deleting subdivision (d)(2) in its entirety.

SECTION 9. Tennessee Code Annotated, Section 7-59-313, is amended by deleting subsection (e).

SECTION 10. Tennessee Code Annotated, Section 12-4-123, is amended by deleting the language "minority participation," from the third sentence in subsection (b).

SECTION 11. Tennessee Code Annotated, Section 12-10-124, is amended by deleting the language ", minority participation" from the third sentence in subsection (d).

SECTION 12. Tennessee Code Annotated, Section 40-36-201, is amended by deleting the word "ensure" from the second sentence in subdivision (a)(1) and substituting the language "strive to ensure".

SECTION 13. Tennessee Code Annotated, Section 49-3-322, is amended by deleting the section in its entirety.

SECTION 14. Tennessee Code Annotated, Section 49-4-212, is amended by deleting the language ", teacher shortage in subject areas and the balance of majority/minority representation in the teaching force" from the first sentence in subdivision (c)(1) and substituting the language "and teacher shortage in subject areas".

SECTION 15. Tennessee Code Annotated, Section 49-4-706, is amended by deleting the word "minority" wherever it appears in the section.

SECTION 16. Tennessee Code Annotated, Section 49-8-114, is amended by deleting the section in its entirety.

SECTION 17. Tennessee Code Annotated, Section 49-50-604(d), is amended by deleting the subsection in its entirety and substituting the following:

(d) In recruiting, selecting and appointing legislative interns, the legislative intern committee, the academic intern committee and official faculty representatives are encouraged to assure that minority group students may be included among those selected as interns for each legislative session.

SECTION 18. Tennessee Code Annotated, Section 54-1-124, is amended by deleting subsection (a) and substituting the following:

(a) As used in this section, "disadvantaged business concern or enterprise" includes a business concern or enterprise that is solely owned, or at least fifty-one percent (51%) of the assets or outstanding stock of which is owned, by an individual who personally manages and controls the daily operations of the business concern or enterprise and who is impeded from normal entry into the economic mainstream because of a disability as defined in § 4-26-102.

SECTION 19. Tennessee Code Annotated, Section 65-5-113, is amended by deleting the word "shall" wherever it appears in the first two sentences of subsection (a) and substituting instead the word "may".

SECTION 20. Tennessee Code Annotated, Section 67-3-904, is amended by deleting the section in its entirety.

SECTION 21. Tennessee Code Annotated, Section 68-1-1603, is amended by deleting the fourth sentence in the section and substituting the following:

The AHEC programs shall accomplish this mission by promoting wellness, disease prevention, and primary care. The AHEC program may encourage the recruitment of minority and underprivileged individuals into health care professions.

SECTION 22. Tennessee Code Annotated, Title 68, Chapter 1, Part 18, is amended by deleting the part in its entirety.

SECTION 23. Tennessee Code Annotated, Title 68, Chapter 1, Part 22, is amended by deleting the part in its entirety.

SECTION 24. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 25. This act shall take effect July 1, 2013, the public welfare requiring it.